



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAY 20 AM 10:18 '08 MJ1570

UNITED STATES OF AMERICA,

Plaintiff,

v.

Eliezer CAJIGAS-Valenzuela,

Defendant

Magistrate Docket No.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **May 19, 2008** within the Southern District of California, defendant, **Eliezer CAJIGAS-Valenzuela**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** DAY OF **MAY 2008**.

Anthony J. Battaglia

UNITED STATES MAGISTRATE JUDGE



PROBABLE CAUSE STATEMENT

On May 19, 2008, Border Patrol Agent E. Haas was conducting line watch operations near an area known as the "24 Draw." This area is approximately four miles west of the San Ysidro, California Port of Entry and 300 yards north of the United States / Mexico International Boundary.

At approximately 4:25 AM, Agent Haas responded to a sensor activation in his area. Upon arriving he found six individuals running north. Four of the individuals stopped running and lay down, while two individuals attempted to flee after noticing Agent Haas. The two individuals attempting to flee, including one later identified as the defendant **CAJIGAS-Valenzuela, Eliezer**, fell down a cliff. A Border Patrol Search Trauma and Rescue Team (BORSTAR) in the area, was called to the scene and were able to rescue the trapped individuals using a rope. Agent Haas identified himself as a Border Patrol Agent and conducted an immigration inspection on all six subjects. All six, including the defendant, admitted to being citizens and nationals of Mexico, and none were in possession of any immigration documents that would allow them to enter or remain in the United States legally. All six were placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on April 9, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Warnings and was willing to make a statement without an attorney present. The defendant freely admitted to being a citizen and national of Mexico illegally present in the United States without the proper documentation. He further stated he did not apply for permission to re-enter the United States after being deported.